

**FILED**

**OCT 19 2016**

**SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

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United States Attorney**

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Chief, Civil Division**

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**Attorneys for Plaintiff**

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**JOSEPH J. PUGLIESE,**

**Defendant,**

**K & C INVESTMENTS, INC., and KC  
CAPITAL FUND LLC,**

**Garnishees.**

**CASE NO. 10-00268-001 MHP**

**WRIT OF CONTINUING GARNISHMENT**

**TO: KC Capital Fund LLC  
c/o Michael Caldwell  
1010 B Street, Suite 300  
San Rafael, CA 94901**

**YOU ARE HEREBY COMMANDED TO GARNISH FOR THE BENEFIT OF THE  
UNITED STATES OF AMERICA PROPERTY IN YOUR POSSESSION IN WHICH THE  
DEFENDANT-JUDGMENT DEBTOR HAS A SUBSTANTIAL NONEXEMPT INTEREST.**

**WRIT OF CONTINUING GARNISHMENT  
CR 10-00268-001 MHP**

1 The name, last known address, and last four digits of the social security number of the person  
 2 who is the defendant-judgment debtor ("defendant") in this action and whose property is subject to this  
 3 Writ are as follows:

4 Joseph J. Pugliese  
 5 10 Turner Dr.  
 6 Novato, CA 94949  
 7 Social Security Number (last four digits): XXX-XX-6849

8 This Writ has been issued at the request of the United States of America to enforce the collection  
 9 of a criminal judgment entered in favor of the United States against the defendant for a debt in the  
 10 original amount of \$991,177.41. There is a balance due of approximately \$953,192.51 as of October 3,  
 11 2016.

12 The following are the steps that you must take to comply with this Writ. If you have any  
 13 questions, you should consult with your attorney.

14 1. Pursuant to 28 U.S.C. § 3205(c)(2)(F), if you have in your custody, control, or  
 15 possession, any property of the defendant, including but not limited to principal, income, and  
 16 accumulated interest from the funds invested, in which the defendant has a substantial nonexempt  
 17 interest, or if you obtain custody, control, or possession of such property while this Writ is in effect, you  
 18 must immediately withhold such property from the defendant and retain it in your possession until you  
 19 receive instructions from the Court which will tell you what to do with the property.

20 2. Pursuant to 28 U.S.C. § 3205(c)(2)(E), you are required to answer this Writ within 10  
 21 days after service of this Writ upon you. You must answer the Writ even if you do not have in your  
 22 custody, control, or possession, any property of the defendant. Pursuant to 28 U.S.C. § 3205(c)(4), your  
 23 answer must state, under oath, the following information:

- 24 a. Whether or not you have in your custody, control, or possession, any property  
 25 owned by the defendant in which the defendant has a substantial nonexempt  
 26 interest, including nonexempt disposable earnings;
- 27 b. a description of such property and the value of such property;
- 28 c. a description of any previous garnishments to which such property is subject and  
 the extent to which any remaining property is not exempt; and

1 d. the amount of the debt you anticipate owing to the defendant in the future and  
2 whether the period for payment will be weekly or another specified period. For your convenience, a  
3 form which addresses the above-requested information is attached and may be used to answer the Writ.

4 3. After you complete the answer under oath, pursuant to 28 U.S.C. § 3205(c)(2)(E) and  
5 (c)(4), within ten (10) days after service of this Writ upon you, you must mail or deliver the original  
6 answer bearing the original signature of the person preparing the answer to the Court at the following  
7 address:

8 Clerk, United States District Court  
9 450 Golden Gate Ave., Box 36055  
San Francisco, CA 94102.

10 At the same time you mail or deliver the original answer to the Court, you must also mail or  
11 deliver a copy of the original answer to both the defendant and attorney for the United States at the  
12 following respective addresses:

13 Joseph J. Pugliese  
14 10 Turner Dr.  
Novato, CA 94949

15 Julie C. Reagin, Assistant U.S. Attorney  
16 U.S. Attorney's Office  
450 Golden Gate Avenue, 9th Floor  
17 P.O. Box 36055  
San Francisco, CA 94102.

18 Please note that the attached form answer contains a certificate of service which needs to be  
19 completed by the person mailing the copies of the answer to the defendant and the attorney for the  
20 United States, and which needs to be filed with the Court along with the answer.

21 **IF YOU FAIL TO ANSWER THIS WRIT OR FAIL TO WITHHOLD PROPERTY IN**  
22 **ACCORDANCE WITH THIS WRIT, THE UNITED STATES MAY PETITION THE COURT**  
23 **FOR AN ORDER REQUIRING YOU TO APPEAR BEFORE THE COURT TO ANSWER THE**  
24 **WRIT AND TO WITHHOLD PROPERTY IN ACCORDANCE WITH THE WRIT BEFORE**  
25 **THE APPEARANCE DATE. IF YOU FAIL TO APPEAR OR DO APPEAR AND FAIL TO**  
26 **SHOW GOOD CAUSE WHY YOU FAILED TO COMPLY WITH THIS WRIT, THE COURT**  
27 **WILL ENTER A JUDGMENT AGAINST YOU FOR THE VALUE OF THE DEFENDANT'S**  
28

1 NONEXEMPT INTEREST IN SUCH PROPERTY (INCLUDING NONEXEMPT DISPOSABLE  
2 EARNINGS). THE COURT MAY ALSO AWARD A REASONABLE ATTORNEY'S FEE TO  
3 THE UNITED STATES AND AGAINST YOU IF THE WRIT IS NOT ANSWERED WITHIN  
4 THE TIME SPECIFIED HEREIN AND IF THE UNITED STATES FILES A PETITION  
5 REQUIRING YOU TO APPEAR.

6 SUSAN Y. SOONG,  
7 Clerk of the United States  
8 District Court for the Northern  
9 District of California

10 Dated: OCT 19 2016

By:

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12 Deputy Clerk MARK J. JENKINS  
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